

Weiller, Maureen

From: WEBB, COREY <CWEBB@idem.IN.gov>
Sent: Monday, November 13, 2017 12:55 PM
To: Mooney, Susan; Behan, Frank; Jackson, Mary
Cc: Joniskan, Rebecca; Garl, Jerri-Anne
Subject: RE: Information from IDEM on closure plan review and need for clarity on federal provisions

Thank you very much, Susan. It was a pleasure speaking with you last Thursday, and yes, any additional information or clarification that EPA can provide would be sincerely appreciated.

Most specifically, Indiana is seeking clarification regarding the questions posed to EPA in August, which EPA incorporated responses to the FAQ portion of their website on October 25th, but which were subsequently removed from the website on or around November 3rd. A clear and accurate understanding of EPA's position regarding whether the term "infiltration" (in regard to Closure In Place of a CCR unit) pertains to groundwater infiltration as well as surface infiltration will be helpful in assuring that we are interpreting the rule in a manner that is deemed appropriate by EPA.

Thank you very much, and please feel free to reach out to me directly should you have any questions or concerns in the meantime, or if I can clarify anything from this end. I look forward to hearing back.

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Deputy Assistant Commissioner

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Office of Land Quality
Indiana Department of Environmental Management

From: Mooney, Susan [mailto:mooney.susan@epa.gov]
Sent: Monday, November 13, 2017 10:01 AM
To: Behan, Frank <Behan.Frank@epa.gov>; Jackson, Mary <Jackson.Mary@epa.gov>
Cc: Joniskan, Rebecca <RJoniska@idem.IN.gov>; WEBB, COREY <CWEBB@idem.IN.gov>; Garl, Jerri-Anne <garl.jerri-anne@epa.gov>
Subject: Information from IDEM on closure plan review and need for clarity on federal provisions

Hi Frank and Mary,

I spoke with Becky Joniskan and Corey Webb with the Indiana Department of Environmental Management (IDEM) on Thursday, November 9. Corey is the Deputy Assistant Commissioner for the Office of Land Quality. I think you both already know that Becky is the Chief of the Permits Branch in the Office of Land Quality. They are seeking clarification

on the answers to the closure-related questions IDEM posed during the regional CCR training in August; asking if the answers previously sent to them are being revised. They also shared a little more information regarding their closure plan approval process, which I thought might be useful to you and others who are considering the questions IDEM raised. I've included Becky and Corey on this email and invite them to chime in if I've mischaracterized anything!

As you know, IDEM incorporated the Federal requirements for CCR surface impoundments into their state rules. They are in the process of reviewing about a half dozen closure plans for CCR surface impoundments. Their review process involves meetings with the utilities, issuing requests for additional information and consideration of public comment. While they are not on the verge of approval of any of the closure plans at this time, they are communicating regularly with the utilities and in order to implement the federal rules appropriately, would like to be clear and accurate regarding the intent of the provisions of the federal rules. While IDEM has informed the utilities that any actions taken prior to IDEM's approval of the closure plan is at the utility's own risk, IDEM is aware that some utilities may need to take actions due to the nature and length of the closure process. In addition, IDEM has heard from several other utilities who are waiting for more clarification on the questions IDEM posed to EPA before submitting their detailed closure plans to IDEM for review and approval.

Let me know if there is any additional information you need. Thank you so much for all of your assistance and work on this issue!

Susan Mooney
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